

### **REMARKS**

Claims 1 through 19 are now pending in the application. Claims 1, 9 and 16 have been amended. Bases for the amendments can be found throughout the application, claims and drawings as originally filed and as such, no new matter has been presented. The amendments to the claims contained herein have been made to remove a potential ambiguity and as such, Applicant submits that they are of equivalent scope as the originally filed claims. Accordingly, Applicant submits that this amendment is not a narrowing amendment. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 1 through 4, 9, 10, 17-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 6,128,852 to Hansen in view of U.S. Pat. No. 5,070,643 to Hinsperger. This rejection is respectfully traversed.

Applicant initially notes that Hansen appears to disclose a landscaping tarp that may be positioned about a bush or small tree to permit cut leaves and twigs to fall and collect thereon as the bush or tree is trimmed. Figure 3 of Hansen illustrates the tarp in a condition wherein leaves and twigs are being carried off after cutting has been completed.

Applicant next notes that Hinsperger appears to be directed to a device and method for grass restoration and seed germination. Hinsperger employs a removable cover (2) that can be selectively coupled to the ground via a plurality of U-shaped wire stakes (8). Hinsperger notes that in areas of high wind, plastic loop members (10) may be coupled to the cover (2) and that ropes (12) may be received through holes in the plastic loop members (10) and secured at opposite ends to the stakes (8). Applicant notes that the ropes (12) of Hinsperger do not tension or adjust the size and/or shape of the perimeter of

the panels (4) that make up the cover (2), but rather simply lie across the panels (4) in a manner that limits the movement of the cover (2). Applicant notes that the rope may be able to apply a compressive force to the surface of the panels, but it does not appear to be possible to apply tension through the rope.

In contrast, Claim 1 includes a plurality of tensioners, each of which having a first portion that is fixedly coupled to the non-rigid base and a second portion that may be selectively coupled to the first portion to adjust a distance between an associated pair of hold-downs to thereby adjust a size, a shape or both the size and shape of a perimeter of the non-rigid base. Furthermore, Claim 17 recites "tensioning the base after it has been secured to the ground so that it conforms to a contour of the ground".

In view of the above-remarks, Applicant submits that the Examiner has not presented a prima facie case of obviousness in that there is no suggestion in the art for the combination of the Hansen and Hinsperger references and that each limitation of Claims 1 and 17 is not taught or suggested by the combination of Hansen and Hinsperger.

Regarding the suggestion for the combination, Applicant notes that as the Hansen tarp is configured to be placed about a tree or bush just prior to a trimming operation and removed therefrom immediately after the trimming operation, there is no need or suggestion in these references to employ the stakes and rope of Hinsperger reference. In this regard, the stakes and rope of Hinsperger would be undesirable in that they would impede efficient removal of the tarp.

Moreover, as the rope of Hinsperger does not appear to be capable of applying tension, it is not a tensioner. The combination of the Hansen and Hinsperger references, therefore, does not teach or suggest a protective ground mat with tensioners having a first portion that is fixedly coupled to the non-rigid base and a second portion that may be selectively coupled to the first portion to adjust a distance between an associated pair of

hold-downs to thereby adjust a size, a shape or both the size and shape of a perimeter of the non-rigid base as recited in Claim 1 or a method that includes tensioning the base after it has been secured to the ground as recited in Claim 17.

In view of the above-remarks, Applicant submits that the Examiner has not presented a prima facie case of obviousness and as such, respectfully requests that the Examiner reconsider and withdraw the rejection of Claims 1 and 17 under 35 U.S.C. §103(a).

Applicant notes that Claims 2 through 4, 9 and 10 depend from Claim 1 and that Claims 18 and 19 depend from Claim 17 and as such, Applicant submits that these claims are in condition for allowance for the reasons set forth for Claims 1 and 17, above.

Claims 5, 7, 8, 11 through 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hansen as modified by Hinsperger as applied to claims 1, 2, and 4 above, and further view of Crawley (U.S. Pat. No. 5,085,001). This rejection is respectfully traversed.

Applicant refers the Examiner to the section above for a discussion of Hansen and Hinsperger. Applicant next notes that Crawley is directed to a mulch skirt that is intended to be placed about a tree or bush for an extended period of time and as such, Applicant submits that there is no motivation in the art for its combination with Hansen. Moreover, Applicant notes that the combination of Hansen, Hinsperger and Crawley does not teach or suggest a protective ground mat with tensioners having a first portion that is fixedly coupled to the non-rigid base and a second portion that may be selectively coupled to the first portion to adjust a distance between an associated pair of hold-downs to thereby adjust a size, a shape or both the size and shape of a perimeter of the non-rigid base as recited in Claim 1. Applicant notes that Claim 16 similarly includes a plurality of tensioners each of

which having a first portion that is fixedly coupled to the non-rigid base and a second portion that may be selectively coupled to the first portion to adjust a distance between an associated pair of the hold-downs to thereby selectively constrict the non-rigid base.

Accordingly, Applicant submits that the Examiner has not presented a prima facie case of obviousness and as such, respectfully requests that the Examiner reconsider and withdraw the rejection of Claims 5, 7, 8 and 11 through 15, which are dependent from Claim 1 and Claim 16 under 35 U.S.C. §103(a).

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hansen as modified by Hinsperger and Crawley as applied to 1, 2, 4, and 5 above, and further view of McMurtrey (U.S. Pat. No. 5,058,317). This rejection is respectfully traversed.

Applicant refers the Examiner to the above sections for a discussion of Hansen, Hinsperger and Crawley. Applicant next notes that McMurtrey is directed to a mulch skirt that is intended to be placed about a tree or bush for an extended period of time and as such, Applicant submits that there is no motivation in the art for its combination with Hansen. Moreover, Applicant notes that the combination of Hansen, Hinsperger, Crawley and McMurtrey does not teach or suggest a protective ground mat with tensioners having a first portion that is fixedly coupled to the non-rigid base and a second portion that may be selectively coupled to the first portion to adjust a distance between an associated pair of hold-downs to thereby adjust a size, a shape or both the size and shape of a perimeter of the non-rigid base as recited in Claim 1.


Accordingly, Applicant submits that the Examiner has not presented a prima facie case of obviousness and as such, respectfully requests that the Examiner reconsider and withdraw the rejection of Claim 6 under 35 U.S.C. §103(a).

## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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